

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

FILED-CLERK  
U.S. DISTRICT COURT

2017 MAR 21 PM 4:52

TX EASTERN-MARSHALL

JOHN AND MELLISA WALL  
PLAINTIFFS

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vs.

MARS PETCARE US INC.  
DEFENDANT

BY \_\_\_\_\_

Civil Action No. 2:14CV1164  
(Jury)

**MOTION FOR DISQUALIFICATION OF JUDGE**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Plaintiff JOHN WALL, pro se and moves the District Judge to grant the Plaintiff's motion for recusal/disqualification pursuant to 28 U.S. Code § 455. The Plaintiff does not believe that he can receive a fair and impartial hearing and further there is a significant conflict of interest and retaliation from U. S. Magistrate Judge Roy S. Payne. In support of this motion for recusal Plaintiff states:

1. Plaintiff's have previously filed a lawsuit against U.S. Magistrate Judge Roy S. Payne for a violation of their Constitutional Rights.
2. Case # 6:16-cv-01374 was filed Dec 7, 2016 by John and Mellisa Wall against U.S. Magistrate Judge Roy S. Payne and Attorney David Carter. It is of my belief that Judge Payne cannot be impartial or fair in this hearing.

Wherefore, Plaintiff respectfully moves and prays that Judge Payne remove and disqualify himself from this hearing and or any other motions on this case.



John Wall, Pro Se Plaintiff  
1837 Lewis Chapel Rd  
Jefferson, TX 75657  
903-503-5061

CERTIFICATE OF SERVICE

I, John Wall, certify that the foregoing document was filed in compliance with Local Rules. Service was made on this 21st day of March, 2017 by certified mail to the **United States District Court, Eastern Division of Texas, 100 East Houston Street, Marshall TX 75670**, and also by certified mail to the following:

W. David Carter

1724 Galleria Oaks Drive

Texarkana, TX 75503

ATTORNEY FOR DEFENDANT MARS PETCARE US INC.